

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:

DIMARCO-CAVUOTO, Marianna Luisa

SSN: xxx-xx-1694

CAVUOTO, Angelo

SSN: xxx-xx-6501

Debtors

Chapter 13

Case No. 18-12622-MSH

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE DEBTORS' AMENDED
CHAPTER 13 PLAN**

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee, and respectfully objects to the confirmation of the Debtor's Amended Chapter 13 Plan (the "Plan"), and for reasons therefore says as follows:

1. The Debtors commenced this case by filing a petition on July 9, 2018.
2. On August 22, 2018, the Trustee presided over a 341 meeting of creditors and examined the Debtors.
3. On January 9, 2019, the Debtors filed the Plan. The Trustee cannot recommend the Plan for confirmation at this time.
4. The Plan lists the wrong date of filing.
5. The Debtors proposes a term of 60 months pursuant to 11 USC §1322(b)(4)(A)(ii). However, the Debtors are below the median income and therefore if proposing a term in excess of 36 months must check the third box in Part 2.A and list 60 months as the term pursuant to 11 U.S.C. §1322(d)(2) and is required to provide a statement of cause.
6. Part 2 lists the total amount of payments to the Trustee as \$1,686.00. According to the payments proposed in Part 2.B, the total payments to the Trustee should be \$101,160.00.
7. The Plan fails to adequately provide for the secured arrears claim of Shellpoint in the amount of \$59,986.45.
8. Part 3.B(2) lists the Total Claims to be paid through the Plan as \$91,031.456. The Plan does not provide for any claims under Part 3.B(2).
9. Finally, Exhibit 1 lists the date the amended Plan payment to begin as January 1, 2019. But there is no amended Plan payment so that date should be blank. The

Plan payment commences as of August 1, 2018 because no step up payment was proposed.

WHEREFORE the Chapter 13 Trustee respectfully requests that the Court sustain her objection to confirmation, and for such other relief as is appropriate.

Dated: January 14, 2019

Respectfully submitted,

By: /s/ Carolyn Bankowski
Carolyn Bankowski, BBO#631056
Patricia A. Remer, BBO#639594
Standing Chapter 13 Trustee
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Certificate of Service

The undersigned hereby certifies that a copy of the Trustee's Objection to Debtor's Amended Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the Debtors and Debtors' counsel at the addresses set forth below.

Dated: January 14, 2019

/s/ Carolyn Bankowski

Carolyn Bankowski

Angelo & Marianna Cavuoto
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Stoneham, MA 02180

Lawrence Simeone, Jr.
300 Broadway
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